

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:04cv266**

<b>CURTIS B. FINK, SR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>JUDGMENT</b>
	)	
<b>JOANNE BARNHART, Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**THIS MATTER** having come before the court pursuant to 28, United States Code, Section 636(c) and upon plaintiff's Motion for Summary Judgment and the Commissioner's Motion for Summary Judgment, and having carefully considered such motions and reviewed the pleadings as reflected in the Memorandum of Decision filed simultaneously herewith,

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that the Commissioner's Motion for Summary Judgment is **GRANTED**, plaintiff's Motion for Summary Judgment is **DENIED**, and the final decision of the Commissioner is **AFFIRMED**.

Signed: April 18, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

